

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
UNI-MERK, LLC)
FRN: 0009436445) File No. ITC-214-200308__-____
)
Application for Authority Under Section 214)
of the Communications Act of 1934, as Amended,)
to Provide Global Facilities-Based and Global)
Resale Service to All Permissible International Points)

APPLICATION

UNI-MERK, LLC (“UNI-MERK” or “Applicant”) hereby requests authority pursuant to Section 214 of the Communications Act of 1934, as amended (the “Act”),¹ and Section 63.18 of the rules of the Federal Communications Commission (“Commission” or “FCC”),² to provide global facilities-based service and global resale service (including switched resale, resale of private lines for private line service, and the resale of private lines for switched services) to all permissible international points. UNI-MERK also requests streamlined treatment of this application pursuant to Section 63.12 of the Commission’s rules.³

In support of UNI-MERK’s application, it submits the following information pursuant to Section 63.18 of the Commission’s rules:

¹ 47 U.S.C. § 214.

² 47 C.F.R. § 63.18.

³ 47 C.F.R. § 63.12.

- (a) Name, address and telephone number of Applicant:

UNI-MERK, LLC
6121 Armaga Spring Road
Rancho Palos Verdes, California 90275
telephone: 310-468-5492
fax: 301-544-2418

- (b) UNI-MERK is a limited liability company organized under the laws of the State of California.

- (c) Correspondence concerning this application should be sent to:

Michael T. Long
Chief Executive Officer
6121 Armaga Spring Road
Rancho Palos Verdes, California 90275
telephone: 310-468-5492
fax: 301-544-2418

with a copy to:

Cheryl A. Tritt, Esq.
Jennifer L. Kostyu, Esq.
Morrison & Foerster, LLP
2000 Pennsylvania Ave., N.W., Suite 5500
Washington, D.C. 20006
telephone: 202-887-1500
fax: 202-887-0763

- (d) UNI-MERK has not received a prior grant of authority under Section 214 of the Act.
- (e)(1) UNI-MERK requests Section 214 authority to operate as a facilities-based carrier pursuant to Section 63.18(e)(1) to all permissible international points. By the attached certification, Mr. Michael T. Long, Chief Executive Officer of UNI-MERK, certifies that UNI-MERK will comply with the terms and conditions contained in §§ 63.21 and 63.22 of the Commission's rules.⁴

⁴ 47 C.F.R. §§ 63.21, 63.22.

- (e)(2) UNI-MERK requests Section 214 authority to operate as a resale carrier pursuant to Section 63.18(e)(2) to all permissible international points. By the attached certification, Mr. Long certifies that UNI-MERK will comply with the terms and conditions contained in §§ 63.21 and 63.23 of the Commission's rules.⁵
- (f) No response is necessary.
- (g) UNI-MERK is not seeking facilities-based authority under Section 63.18(e)(4) of the Commission's rules. Therefore, no response is necessary.
- (h) Mr. Thomas Paul Ong holds a 33 percent ownership interest in UNI-MERK. Mr. Ong is a citizen of France and resides at 2501 Hillcrest, Signal Hill, California, 90755. Mr. Ong is the Chief Operations Officer of UNI-MERK. Mr. Tru Le also holds a 33 percent ownership interest in UNI-MERK. Mr. Le is a citizen of Vietnam and resides at 1430 Holcomb Place, Placentia, California, 92870. Mr. Le is the Asia Business Director of UNI-MERK. Mr. Michael T. Long and Ms. Claudine D. Long hold a 14 percent and a 20 percent ownership interest in UNI-MERK, respectively. Mr. and Ms. Long, husband and wife, are U.S. citizens and reside at 6121 Armaga Spring Road, Ranch Palos Verdes, California, 90275. Mr. Long is Chief Executive Officer and Ms. Long is President of UNI-MERK. There are no other persons or entities who directly or indirectly own 10 percent or more of UNI-MERK. Furthermore, UNI-MERK has no interlocking directorates with a foreign carrier.
- (i) By the attached certification, Mr. Long certifies that UNI-MERK neither is, nor is affiliated with, any foreign carrier.

⁵ 47 C.F.R. §§ 63.21, 63.23.

- (j) By the attached certification, Mr. Long certifies that UNI-MERK does not seek to provide international telecommunications services to any destination country for which: (1) UNI-MERK is a foreign carrier in that country; (2) UNI-MERK controls a foreign carrier in that country; (3) an entity that owns more than 25 percent of, or controls, UNI-MERK also controls a foreign carrier in that country; or (4) two or more foreign carriers (or parties that control foreign carriers) own, in the aggregate, more than 25 percent of UNI-MERK and are parties to, or the beneficiaries of, a contractual relationship affecting the provision or marketing of international telecommunications services in the United States.
- (k) This section does not apply because UNI-MERK neither is, nor is affiliated with, a foreign carrier.
- (l) This section does not apply because UNI-MERK neither is, nor is affiliated with, a foreign carrier.
- (m) This section does not apply because UNI-MERK neither is, nor is affiliated with, a foreign carrier. Thus, UNI-MERK should be presumptively classified as non-dominant.
- (n) By the attached certification, Mr. Long certifies that UNI-MERK has not agreed to accept special concessions directly or indirectly from any foreign carrier with respect to any U.S. international route where the foreign carrier possesses market power on the foreign end of the route and will not enter into any such agreements in the future.
- (o) By the attached certification, UNI-MERK certifies that no party to this application is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

- (p) UNI-MERK seeks streamlined processing of this application under Section 63.12 of the Commission's rules because it: (1) is not, and is not affiliated with, any foreign carrier; (2) is not affiliated with a dominant U.S. carrier; and (3) does not seek authority to provide switched services over private lines to a country not previously approved by the Commission.

CONCLUSION

The Commission has recognized that increased competition in international markets is beneficial and that those markets will support additional carriers. Additional market entry will promote lower prices, innovative services, increased customer choice, and efficient utilization of telecommunications resources. UNI-MERK will support each of these goals through the provision of high-quality, competitive international communications services. Grant of UNI-MERK's application will therefore serve the public interest, convenience and necessity.

Respectfully submitted,

By: /s/ Cheryl A. Tritt
Cheryl A. Tritt
Jennifer L. Kostyu
MORRISON & FOERSTER LLP
2000 Pennsylvania Avenue, N.W.
Washington, D.C. 20006-1888
(202) 887-1500

Counsel to UNI-MERK, LLC

Date: August 12, 2003

CERTIFICATION

I, Michael T. Long, Chief Executive Officer of UNI-MERK, LLC (“UNI-MERK”), hereby certify that:

1. UNI-MERK will comply with the terms and conditions contained in Sections 63.21, 63.22 and 63.23 of the Commission’s rules.
2. Mr. Thomas Paul Ong holds a 33 percent ownership interest in UNI-MERK. Mr. Ong is a citizen of France and resides at 2501 Hillcrest, Signal Hill, California, 90755. Mr. Ong is the Chief Operations Officer of UNI-MERK. Mr. Tru Le also holds a 33 percent ownership interest in UNI-MERK. Mr. Le is a citizen of Vietnam and resides at 1430 Holcomb Place, Placentia, California, 92870. Mr. Le is the Asia Business Director of UNI-MERK. Mr. Michael T. Long and Ms. Claudine D. Long hold a 14 percent and a 20 percent ownership interest in UNI-MERK, respectively. Mr. and Ms. Long, husband and wife, are U.S. citizens and reside at 6121 Armaga Spring Road, Ranch Palos Verdes, California, 90275. Mr. Long is Chief Executive Officer and Ms. Long is President of UNI-MERK. There are no other persons or entities who directly or indirectly own 10 percent or more of UNI-MERK. Furthermore, UNI-MERK has no interlocking directorates with a foreign carrier.
3. UNI-MERK neither is, nor is affiliated with, any foreign carrier.
4. UNI-MERK does not seek to provide international telecommunications services to any destination country for which: (1) UNI-MERK is a foreign carrier in that country; (2) UNI-MERK controls a foreign carrier in that country; (3) an entity that owns more than 25 percent of, or controls, UNI-MERK also controls a foreign

carrier in that country; or (4) two or more foreign carriers (or parties that control foreign carriers) own, in the aggregate, more than 25 percent of UNI-MERK and are parties to, or the beneficiaries of, a contractual relationship affecting the provision or marketing of international telecommunications services in the United States.

5. UNI-MERK has not agreed to accept special concessions directly or indirectly from any foreign carrier with respect to any U.S. international route where the foreign carrier possesses market power on the foreign end of the route and will not enter into any such agreements in the future.
6. No party to this application is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

/s/ Michael T. Long
Michael T. Long
Chief Executive Officer
UNI-MERK, LLC

Date: August 12, 2003